IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 310 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA and
        MR.JUSTICE S.D.PANDIT
===

MOHMED ZUBER RAZAK   FURNITUREWALA
Versus
     STATE OF GUJARAT

Appearance:
     MR BB NAIK for Petitioner
     Mr.S.R.Divetia for Respondent No. 1, 2, 3, 4

     CORAM : MR.JUSTICE N.J.PANDYA and
             MR.JUSTICE S.D.PANDIT
     Date of decision: 13/03/97

     ORAL JUDGEMENT (N.J.Pandya,J.)

     Rule. Mr.S.R.Divetia, waives service of Rule on
     behalf of the respondents.

     2. As directed, Shri Mohammad Junaid Abdul Razak
     Furniturewala is produced before us by respondents nos.2
     & 3.   We place on record our appreciation of the
     promptness shown by the office of the learned APP as well
     as the Police Control Department in carrying out the
     direction in short time that was available at their end.
     There is no dispute whatsoever about the fact that said
     Shri Mohamad Junaid Abdul Razak Furniturewala has to
     leave this country, as his authority to remain in India
     has expired long back. He was in the process of being
     deported and before he could actually and physically be
     deported, the petition came to be filed and he came to be
     brought before us under our orders. The request made by
     the petitioner on behalf of said Mohmed Janaid is that
     Mohammad Junaid would definitely leave the country as

early as possible and not later than 24th of March 1997
by making his own arrangement, but till then, he should
be allowed to stay at a place known to the respondent
authorities under Police Guard to be provided at his own
expenses. The request is made on two counts. First is
that the practice followed by the authorities in case of
deportation is to use routes other than the authorised
one namely Punjab Border at Vagha. This is likely to
lead to many complications; and the 2nd is the fear of
safety of the person to be deported because from the
border to reach the place i.e. Karachi, there is hardly
any means of travel available and with little or no means
available with the deportee, it might be wellneigh
impossible to reach Karachi which is the destination of
the present deportee and in the process there might be
danger to his life or limbs.

3. Having accepted the case of the authorities that
he cannot remain any more in India, the petitioner and
Mohmed Junaid, who are present before the Court, have
agreed to bear the expenses of the police guard for all
24 hours at Surat residence where said Mohammad Junaid
was staying uptill now right upto the time that he goes
to Bombay, report for embarking the journey to Karachi by
flight and back. The expenses thus are to be borne for
the police guards that are placed at the residence of the
petitioner where said Mohammad Junaid is to stay for all
24 hours till said Mohammad Junaid leaves for Bombay.
Expenses are also to be borne for the guards that are to
accompany Mohammad Junaid to the Bombay airport till he
boards the flight and after the flight has left Sahara
International Airport from Bombay, the team that
accompanied him returns to Surat and expenses of the
return journey shall also be bonrne by said Mohammad
Junaid and the petitioner. An Undertaking on oath shall
be given both by the petitioner and said Mohammad Junaid.
The direction as to guard shall take immediate effect and
said Mohammad Junaid shall not be allowed to moveabout
anywhere and he shall constantly be accompanied by the
police guard and shall be taken in their custody only to
Surat for being lodged there during his stay upto 24th
March 1997 as aforesaid. He shall not leave Surat except
for going to Bombay for catching the flight. It is
understood that the flight that said Mohammad Junaid is
to catch has to be a direct flight of National Carrier of
origin of any country having no stop in between Bombay
and Karachi in any part of the territory of this country.

4. Expenses for the escort and the guard shall be
deposited tomorrow i.e. on 14-3-1997 and on getting the
estimate from the Police Commissionerate of Surat,

balance amount shall be deposited within two days thereof.

5. The application is disposed of accordingly. Rule is made absolute in above terms.

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